

Informal Working Paper No. 4/Rev.
27 August 1974

SECOND COMMITTEE

Formulation of main trends

INTRODUCTION

The sole purpose of this informal working paper is to reflect in generally acceptable formulations the main trends which have emerged from the proposals submitted either to the United Nations Sea-Bed Committee or to the Conference itself.

The fact of including these formulations does not imply any opinion on the degree of support they have commanded either in the preparatory stage or in the proceedings of the current session of the Conference. It does not imply either that all the proposals from which these formulations have been taken have been the subject of discussion. The inclusion of a provision in this paper, whether or not only one formula appears, does not necessarily imply that there are no other opinions concerning these questions or that all or most delegations agree on the necessity for such a provision.

All the proposals submitted to the United Nations Sea-Bed Committee and to the Conference are maintained and may be considered by this Committee at any time. Thus, the preparation of this document and its acceptance by the Committee as a working paper in no way signifies that these proposals have been withdrawn. There is no question of taking any decisions at the present stage, in accordance with the method of work adopted by the Committee at its meeting on 3 July, once this task has been carried out, the item will be "frozen" and the Committee will pass on to the next item. No decision has to be taken until all the closely interrelated items have been thoroughly discussed.

Since the purpose of this paper is to focus the discussion of each of the items on the fundamental issues, leaving until later the consideration of supplementary rules and drafting points, the paper does not include all the proposals appearing in volume III of the report of the Sea-Bed Committee or all the variants, many of which reflect only drafting changes, appearing in volume IV of the same report.

In submitting this paper the Bureau considers it necessary to stipulate that for purely methodological reasons, the position of those delegations for whom the concept of an exclusive economic zone would be subsumed in a territorial sea that could be extended up to 200 miles, is not reflected as a trend in this paper.

With respect to items 6.8 (Prevention and control of pollution and other hazards to the marine environment) and 6.9 (Scientific research) it should be noted that there are other proposals under consideration in the Third Committee.

-2-

Item 6: Exclusive economic zone beyond the territorial sea

PROVISIONS I-II

General

6.1

Nature and characteristics, including rights and jurisdiction of coastal States in relation to resources, pollution control and scientific research in the zone. Duties of States.

PROVISION III

Nature and characteristics of the zone

PROVISION IV-V

Duties of States

PROVISION VI

International standards regarding the safety of navigation

PROVISION VII

Land-locked and geographically disadvantaged States

PROVISION VIII

Revenue sharing

6.2

Resources of the zone

PROVISION IX

6.3

Freedom of navigation and overflight

PROVISION X

6.4

Regional arrangements

PROVISION XI

6.5

Limits: applicable criteria

PROVISION XII

6.6

Fisheries

6.6.1

Exclusive fishery zone

PROVISION XIII

General

PROVISION XIV

Duties of States

PROVISION XV

Co-operation with international organizations

PROVISION XVI

Access of foreign vessels

PROVISION XVII

Rights based on traditional fishing or economic dependence

PROVISION XVIII	Allocation of resources to coastal States
PROVISION XIX	Access of foreign vessels
PROVISION XX	Transition period
6.6.3	<u>Management and conservation</u>
PROVISION XXI	General responsibility of coastal States
PROVISION XXII	Basic principles relating to conservation measures
PROVISION XXIII	Anadromous species
PROVISION XXIV	Catadromous species
PROVISION XXV	Highly migratory species
PROVISION XXVI	Marine mammals
PROVISION XXVII	Enforcement
6.7	<u>Sea-bed within national jurisdiction</u>
PROVISION XXVIII	Duties of coastal States
6.7.1	<u>Nature and characteristics</u>
6.7.2	<u>Delineation between adjacent and opposite States</u>
PROVISIONS XXIX-XXX	
6.7.3	<u>Sovereign rights over natural resources</u>
PROVISION XXXI	
6.7.4	<u>Limits</u>
PROVISION XXXII	
6.8	<u>Prevention and control of pollution and other hazards to the marine environment</u>
PROVISIONS XXXIII-XXXV	
6.9	<u>Scientific research</u>
PROVISION XXXVI	

2. Exclusive economic zone beyond the territorial sea

PROVISION I

Coastal States have the right to establish beyond their territorial sea an exclusive economic zone ...

... for the benefit of their peoples and their respective economies ...

PROVISION II

Formula A

In respect of a territory whose people have not achieved full independence or some other self-governing status recognized by the United Nations, the rights to the resources of its Exclusive Economic Zone belong to the people of that territory. These rights shall be exercised by such people for their benefits and in accordance with their needs and requirements. Such rights may not be assumed, exercised or benefited from or in any way be infringed upon by a foreign Power administering or occupying or purporting to administer or to occupy such territory.

Formula B

In respect of a territory whose people have attained neither full independence nor some other self-governing status following an act of self-determination under the auspices of the United Nations, the rights to the resources of the economic zone created in respect of that territory and to the resources of its continental shelf are vested in the inhabitants of that territory to be exercised by them for their benefit and in accordance with their needs and requirements. Such rights may not be assumed, exercised or profited from or in any way infringed by a metropolitan or foreign power administering or occupying that territory.

- 6.1 Nature and characteristics, including rights and jurisdiction of coastal States in relation to resources, pollution control and scientific research in the zone.
Duties of States

PROVISION III

Formula A

The coastal State has sovereign rights over the renewable and non-renewable natural resources which are found in the waters, in the sea-bed and in the subsoil of an area adjacent to the territorial sea called the patrimonial sea.

The coastal State has the right to adopt the necessary measures to ensure its sovereignty over the resources and prevent marine pollution of its patrimonial sea.

The coastal State has the duty to promote and the right to regulate the conduct of scientific research within the patrimonial sea.

... The coastal State shall authorize and regulate the emplacement and use of artificial islands and any kind of facilities on the surface of the sea, in the water column and on the sea-bed and subsoil of the patrimonial sea.

Formula B

1. (1) In the Exclusive Economic Zone a coastal State shall have sovereignty over the living and non-living resources. It shall have sovereign rights for the purpose of regulation, control, exploration, exploitation, protection and preservation of all living and non-living resources therein.

(2) The resources referred to in (1) of this paragraph, shall encompass the living and non-living resources of the water column, the sea-bed and the subsoil.

(3) Subject to article ..., no other State has the right to explore and exploit the resources therein without the consent or agreement of the coastal State.

2. A coastal State shall also have exclusive jurisdiction within the Exclusive Economic Zone, inter alia, for the purposes of:

- (a) Control, regulation and preservation of the marine environment including pollution control and abatement;
- (b) Control, authorization and regulation of scientific research;
- (c) Control and regulation of customs and fiscal matters related to economic activities in the zone.

3. A coastal State shall have the exclusive right to make and enforce regulations relating to, inter alia, the following:

- (a) The authorization and regulation of drilling for all purposes;
- (b) The construction, emplacement, operation and use of artificial islands and other installations;
- (c) Establishment and regulation of safety zones around such off-shore islands and installations;
- (d) The licensing of fishing vessels and gear;
- (e) Closed fishing seasons;
- (f) Types, sizes and amount of gear; and numbers, sizes and types of fishing vessels;
- (g) Quota and sizes of fish that may be caught;
- (h) The conduct of research, disposition of samples and reporting of associated scientific data.

/...

Formula C

The coastal State has the following rights and competences in its exclusive economic zone:

- (a) exclusive right to explore and exploit the renewable living resources of the sea and the sea-bed;
- (b) sovereign rights for the purpose of exploring and exploiting the non-renewable resources of the continental shelf, the sea-bed and the subsoil thereof;
- (c) exclusive right for the management, protection and conservation of the living resources of the sea and sea-bed, taking into account the recommendations of the appropriate international or regional fisheries organizations;
- (d) ...
- (e) ...
- (f) exclusive jurisdiction for the purpose of protection, prevention and regulation of other matters ancillary to the rights and competences aforesaid and, in particular, the prevention and punishment of infringements of its customs, fiscal, immigration or sanitary regulations within its territorial sea and economic zone.

A coastal State shall have the exclusive right to authorize and regulate in the exclusive economic zone, the continental shelf, ocean bed and subsoil thereof, the construction, emplacement, operation and use of off-shore artificial islands and other installations for purposes of the exploration and exploitation of the non-renewable resources thereof:

A coastal State may establish a reasonable area of safety zones around its off-shore artificial islands and other installations in which it may take appropriate measures to ensure the safety both of its installations and of navigation. Such safety zones shall be designed to ensure that they are reasonably related to the nature and functions of the installations.

Formula D

1. The coastal State exercises in and throughout an area beyond and adjacent to its territorial sea, known as the exclusive economic zone: (a) sovereign rights for the purpose of exploring and exploiting the natural resources, whether renewable or non-renewable, of the sea-bed and subsoil and the superjacent waters; (b) the other rights and duties specified in these articles with regard to the protection and preservation of the marine environment and the conduct of scientific research. The exercise of these rights shall be without prejudice to article [continental shelf] of this Convention.

2. The emplacement and use of artificial islands and other installations on the surface of the sea, in the waters and on the sea-bed and subsoil of the economic zone, shall be subject to the authorization and regulations of the coastal State.

/...

Formula E

(a)

1. The coastal State exercises in and throughout an area beyond and adjacent to its territorial sea, known as the economic zone, the jurisdiction and the sovereign and exclusive rights set forth in this chapter for the purpose of exploring and exploiting the natural resources, whether renewable or non-renewable, of the sea-bed and subsoil and the superjacent waters.
2. The coastal State exercises in the economic zone the other rights and duties specified in this Convention, including those with regard to the protection and preservation of the marine environment and the conduct of scientific research.
3. The exercise of these rights shall be in conformity with and subject to the provisions of this Convention, and shall be without prejudice to the provisions of part III of this chapter.

(b)

1. The coastal State shall have the exclusive right to authorize and regulate in the economic zone, the construction, operation and use of artificial islands and installations for the purpose of exploration or exploitation of natural resources, or for other economic purposes, and of any installation which may interfere with the exercise of the rights of the coastal State in the economic zone.
2. The coastal State may, where necessary, establish reasonable safety zones around such off-shore installations in which it may take appropriate measures to ensure the safety both of the installations and of navigation.
3. The provisions of article ... shall apply, mutatis mutandis, to such artificial islands and installations.

(c)

The coastal State shall have the exclusive right to authorize and regulate drilling for all purposes in the economic zone.

(d)

With respect to activities subject to its sovereign or exclusive rights, the coastal State may take such measures in the economic zone as may be necessary to ensure compliance with its laws and regulations in conformity with the provisions of this Convention.

/...

PROVISION IV

No State shall be entitled to construct, maintain, deploy or operate, in the Exclusive Economic Zone of another State, any military installation or device or any other installation or device for whatever purposes without the consent of the coastal State.

PROVISION V

Formula A

The coastal State shall exercise its rights and obligations in the economic zone in accordance with the provisions of the present Convention, with due regard to other legitimate uses of the high seas and bearing in mind the need for a rational exploitation of the natural resources of the sea and the preservation of the sea environment.

Formula B

1. The coastal State shall exercise its rights and perform its duties in the economic zone without unjustifiable interference with navigation or other uses of the sea, and ensure compliance with applicable international standards established by the appropriate international organizations for this purpose.
2. In exercising their rights, States shall not unjustifiably interfere with the exercise of the rights or the performance of the duties of the coastal State in the economic zone.

PROVISION VI

A coastal State, in its exclusive economic zone, shall enforce applicable international standards regarding the safety of navigation.

PROVISION VII

Formula A

- (1) Developing land-locked and other geographically disadvantaged States have the right to exploit the living resources of the Exclusive Economic Zones of neighbouring States and shall bear the corresponding obligations.
- (2) Nationals of land-locked and other geographically disadvantaged States shall enjoy the same rights and bear the same obligations as nationals of coastal States in the exploitation of the living resources of the Exclusive Economic Zone.
- (3) Bilateral, subregional or regional arrangements shall be worked out for the purposes of ensuring the enjoyment of the rights and the carrying out of the obligations referred to in paragraphs 1 and 2 of this article in full respect of the sovereignty of the States concerned.

Formula B

1. The régime applicable to any economic zone or patrimonial sea provided for in article ... of this Convention shall be subject to the rights of developing geographically disadvantaged States as contained in articles ... of this Convention.
2. In any region where there are geographically disadvantaged States, the nationals of such States shall have the right to exploit the renewable resources within the economic zones or patrimonial seas of the region for the purpose of fostering the development of their fishing industry and satisfying the nutritional needs of such populations.
3. The States of the region shall co-operate to the fullest extent in order to secure the enjoyment of this right.

Formula C

- (Land-locked and geographically disadvantaged States shall have the right to explore and exploit the living resources of the exclusive economic zones of neighbouring coastal States, subject to appropriate bilateral or regional arrangements or agreements with such coastal States.

Formula D

1. Land-locked and other geographically disadvantaged States shall have the right to participate in the exploration and exploitation of the living resources of the ... zone of neighbouring coastal States on an equal and non-discriminatory basis. For the purpose of facilitating the orderly development and the rational exploitation of the living resources of the particular zones, the States concerned may decide upon appropriate arrangements to regulate the exploitation of the resources in those zones.
2. Land-locked and other geographically disadvantaged States shall have the right to participate in the exploration and exploitation of the non-living resources of the ... zone of neighbouring coastal States on an equal and non-discriminatory basis. Equitable arrangements for the exercise of this right shall be made by the States concerned.
3. The expression "neighbouring coastal States" not only refers to States adjacent to each other, but also includes States of a region situated within reasonable proximity to a land-locked or other geographically disadvantaged State.

PROVISION VIII

Formula A

1. All States deriving revenues from the exploitation of the non-living resources of the ... zone shall make contributions to the international authority at the rate of ... per cent of the net revenues.

/...

2. The international authority shall distribute these contributions on the same basis as the revenues derived from the exploitation of the international sea-bed area.

Formula B

The sovereign rights of the coastal State over its continental shelf are exclusive. The revenues derived from the exploitation of the continental shelf shall not be subject to any revenue sharing.

6.2 Resources of the zone

ARTICLE IX

The natural resources of the (economic zone/patrimonial sea) comprise the renewable and non-renewable natural resources of the waters, the sea-bed and the subsoil thereof.

6.3 Freedom of navigation and overflight

PROVISION X

Formula A

In the economic zone, ships and aircraft of all States, whether coastal or not, shall enjoy the right of freedom of navigation and overflight and the right to lay submarine cables and pipelines with no restrictions other than those resulting from the exercise by the coastal State of its rights within the area.

Formula B

A coastal State, in its exclusive economic zone, is under an international duty not to interfere without reasonable justification with:

- (a) the freedom of navigation and overflight, and
- (b) the freedom of laying of submarine cables and pipelines.

A coastal State shall not erect or establish artificial islands and other installations, including safety zones around them, in such a manner as to interfere with the use of all States of recognized sea lanes and traffic separation schemes essential to international navigation.

Formula C

The rights of the coastal State in the economic zone shall be exercised without prejudice to the rights of all other States, whether having access to the sea or land-locked, as recognized in the provisions of the present Convention and in international law, including the right to freedom of navigation, freedom of overflight, and freedom to lay submarine cables and pipelines.

/...

-11-

Formula D

(1) In the Exclusive Economic Zone all States shall enjoy the freedom of navigation, overflight and laying of submarine cables and pipelines.

(2) In the exercise of freedoms referred to in paragraph 1 of this article, States shall ensure that their activities in the Exclusive Economic Zone are carried out in such a manner as not to interfere with the rights and interests of the coastal State.

6.4 Regional arrangements

PROVISION XI

Formula A

Coastal States and land-locked and other geographically disadvantaged States within a region or subregion may enter into any arrangement for the establishment of regional or subregional ... zones with a view to giving effect to the provisions of articles ... and ... on a collective basis.

Formula B

Coastal States and neighbouring land-locked States shall have the right to establish jointly regional economic zones between the 12-mile territorial sea and up to a maximum distance of 200 nautical miles, measured from the applicable baselines of the territorial sea.

Formula C

States in a region may establish regional or subregional arrangements for the purposes of developing and managing the living resources, promoting scientific research, preventing and controlling pollution, and for the purpose of peaceful settlement of disputes.

6.5 Limits: applicable criteria

PROVISION XII

Formula A

The outer limit of the patrimonial sea shall not exceed 200 nautical miles from the applicable baselines for measuring the territorial sea.

Formula B

The limits of the economic zone shall be fixed in nautical miles in accordance with criteria in each region, which take into consideration the resources of the region and the rights and interests of developing land-locked, near land-locked, shelf-locked States and States with narrow shelves and without prejudice to limits adopted by any State within the region. The outer limit of the economic zone shall not exceed 200 nautical miles, measured from the baselines for determining the territorial sea.

6.6 Fisheries

6.6.1 Exclusive Fishery Zone

PROVISION XIII

Formula A

In the economic zone the coastal State shall exercise sovereign rights for the purpose of exploration, exploitation, conservation and management of the living resources including fisheries, in this zone, and shall adopt from time to time such measures as it may deem necessary and appropriate. The living resources may be plant or animal, and may be located on the water surface, within the water column, on the sea-bed or in the subsoil thereof.

Formula B

The coastal State exercises exclusive rights for the purpose of regulating fishing within the economic zone, subject to the provisions of these articles.

PROVISION XIV

All fishing activities in the exclusive economic zone and the rest of the sea shall be conducted with due regard to the interests of the other States in the legitimate uses of the sea. In the exercise of their rights, the other States shall not interfere with fishing activities in the exclusive economic zone.

PROVISION XV

The coastal State shall co-operate with the appropriate regional and international organizations concerned with fishery matters when exercising its rights over living resources in the economic zone and, taking into account their recommendations shall maintain the maximum allowable catch of fish and other living resources.

PROVISION XVI

Formula A

The coastal State may allow nationals of other States to fish in its exclusive economic zone, subject to such terms, conditions and regulations as it may from time to time prescribe. These may, inter alia, relate to the following:

- (a) Licensing of fishing vessels and equipment, including payment of fees and other forms of remuneration;
- (b) Limiting the number of vessels and the number of gear that may be used;

- (c) Specifying the gear permitted to be used;
- (d) Fixing the periods during which the prescribed species may be caught;
- (e) Fixing the age and size of fish that may be caught;
- (f) Fixing the quota of catch, whether in relation to particular species of fish to catch per vessel over a period of time or to the total catch of nationals of one State during a prescribed period.

Formula B

1. Pursuant to its exclusive jurisdiction, it would be for the coastal State to determine the allowable catch of any particular species, and to allocate to itself that portion of the allowable catch, up to 100 per cent, that it can harvest.
2. Where the coastal State is unable to take 100 per cent of the allowable catch of a species as determined under the principles, it shall allow the entry of foreign fishing vessels with a view to maintaining the maximum possible food supply. Such access shall be granted up to the level of allowable catch on an equitable basis without the imposition of unreasonable conditions and in accordance with the provisions of these articles.

Formula C

1. The coastal State shall ensure the full utilization of renewable resources within the economic zone.
2. For this purpose, the coastal State shall permit nationals of other States to fish for that portion of the allowable catch of the renewable resources not fully utilized by its nationals, subject to the conservation measures adopted pursuant to ... (Provisions XII and XX), and on the basis of the following priorities:

- (a) States that have normally fished for a resource, subject to the conditions of paragraph 3;
- (b) States in the region, particularly land-locked States and States with limited access to living resources off their coast; and
- (c) All other States.

The coastal State may establish reasonable regulations and require the payment of reasonable fees for this purpose.

-14-

3. The priority under paragraph 2 (a) above shall be reasonably related to the extent of fishing by such State. Whenever necessary to reduce such fishing in order to accommodate an increase in the harvesting capacity of a coastal State, such reduction shall be without discrimination, and the coastal State shall enter into consultations for this purpose at the request of the State or States concerned with a view to minimizing adverse economic consequences of such reduction.

4. The coastal State may consider foreign nationals fishing pursuant to arrangements under articles 14 and 15 [Provisions VII and XVII, Formula B] as nationals of the coastal State for purposes of paragraph 2 above.

PROVISION XVII

Formula A

Neighbouring developing coastal States shall allow each other's nationals the right to fish in a specified area of their respective fishery zones on the basis of long and mutually recognized usage and economic dependence on exploitation of the resources of that area. The modalities of the exercise of this right shall be settled by agreement between the States concerned. This right will be available to the nationals of the State concerned and cannot be transferred to third parties by lease or licence, by establishing joint collaboration ventures, or by any other arrangement. Jurisdiction and control over the conservation, development and management of the resources of the specified area shall lie with the coastal State in whose zone that area is located.

Formula B

Neighbouring coastal States may allow each other's nationals the right to fish in a specified area of their respective economic zones on the basis of reciprocity, or long and mutually recognized usage, or economic dependence of a State or region thereof on exploitation of the resources of that area. The modalities of the exercise of this right shall be settled by agreement between the States concerned. Such right cannot be transferred to third parties.

Formula C

1. Measures adopted by the coastal State shall take account of traditional subsistence fishing carried out in any part of the fisheries zone.

2. When the coastal State intends to allocate to itself the whole of the allowable catch of a species, in accordance with these principles, it shall enter into consultations with any other State which requests such consultations and which is able to demonstrate that its vessels have carried on fishing in the fishery resources zone on a substantial scale for a period of not less than /10/ years with a view to:

(a) Analysing the catch and effort statistics of the other State in order to establish the level of fishing operations carried out in the zone by the other State;

(b) Negotiating special arrangements with the other State under which the latter's vessels would be "phased out" of the fishery having regard to the developing fishing capacity of the coastal State; and

(c) In the event of agreement not being reached through consultation there shall be a "phasing out" period of [five] years.

6.6.2 Preferential rights of coastal States

PROVISION XVIII

On the basis of appropriate scientific data and in accordance with the recommendations of the competent international fishery organizations consisting of representatives of interested States in the region concerned and other States engaged in fishing in the region, the coastal State shall determine in the economic zone:

(a) The allowable annual catch of each species of fish or other living marine resources except highly migratory species of fish;

(b) The proportion of the allowable annual catch of each species of fish or other living marine resources that it reserves for its nationals;

(c) That part of the allowable annual catch of fish or other living marine resources that may be taken by other States holding licences to fish in the economic zone in accordance with articles

PROVISION XIX

1. ...

2. Permission for foreign fishermen to fish in the economic zone of a developed coastal State shall be granted on an equitable basis and in accordance with the provisions of ... of this Convention.

3. Foreign fishermen may be allowed to fish in the economic zone of a developing coastal State by the grant of a special licence and in accordance with the provisions of ... of this Convention.

4. When granting foreign vessels permission to fish in the economic zone and in order to ensure an equitable distribution of living resources, a coastal State shall observe, while respecting the priority of the States specified in ... of this Convention, the following order:

(a) States which have borne considerable material and other costs of research, discovery, identification and exploitation of living resource stocks, or which have been fishing in the region involved;

(b) Developing countries, land-locked countries, countries with narrow access to the sea or with narrow continental shelves, and countries with very limited living marine resources;

(c) ...

5. Any questions of payment for the grant of licences to foreign fishermen to fish in the economic zone of a developing coastal State shall be settled in accordance with the provisions of this Convention and the recommendations of the competent international fishery organizations and by agreement between the States concerned.

6. Payment for fishing permits granted to foreign fishermen in the economic zone of a developing coastal State shall be levied on a reasonable basis and may take various forms.

PROVISION XX

In order to enable the fishing fleet of other States whose fishermen have habitually fished in the economic zone established pursuant to article ... of this Convention to change over to working under the new conditions, a coastal State shall continue to grant the fishermen specified in this article the right to fish in the economic zone for a transition period of not less than three years after the entry into force of this Convention.

6.6.3 Management and Conservation

PROVISION XXI

Formula A

1. In adopting measures to conserve living resources in the economic zone, the coastal State shall endeavour to maintain the productivity of species and avoid harmful effects for the survival of living resources outside the said zone.

2. The coastal State shall, for the foregoing purposes, promote any necessary co-operation with other States and with competent international organizations.

Formula B

1. It shall be the responsibility of the coastal State to provide proper management and utilization of the living resources within its zone of exclusive jurisdiction, including:

(a) Maintenance of the level of stocks which will provide the maximum sustainable yield;

(b) Rational utilization of the resources and the promotion of economic stability coupled with the highest possible food production; and

/...

(c) Where the resource is required for direct human consumption in the coastal State, the highest possible priority to be given to the production of fish for direct human consumption.

2. Measures that the coastal State may take include:

(a) Requiring licensing by it of fishing vessels and equipment to operate in the zone;

(b) Limiting the number of vessels and the number of units of gear that may be used;

(c) Specifying the gear permitted to be used;

(d) Fixing the period during which fish or fish of a species or class may be taken;

(e) Fixing the size of fish that may be taken;

(f) Specifying the method of fishing that may be used in a specified area or for taking a specified species or class of fish and prohibiting any other methods.

3. The coastal State has responsibility to conduct research on the resources within the zone to enable it to fulfil its responsibility to provide proper management and rational utilization of those resources. It shall publish the results of that research within a reasonable period. Other States operating within the zone shall assist in the research programmes and shall provide comprehensive catch, effort and biological data at reasonable intervals as required.

Formula C

1. States shall co-operate in the elaboration of global and regional standards and guidelines for the conservation, allocation, and rational management of living resources directly or within the framework of appropriate international and regional fisheries organizations.

2. Coastal States of a region shall, with respect to fishing for identical or associated species, agree upon the measures necessary to co-ordinate and ensure the conservation and equitable allocation of such species.

3. Coastal States shall give to all affected States timely notice of any conservation, utilization and allocation regulations prior to their implementation, and shall consult with such States at their request.

An international register of independent fisheries experts shall be established and maintained by the Food and Agriculture Organization of the United Nations. Any developing State party to the Convention desiring assistance may select an appropriate number of such experts to serve as fishery management advisers to that State.

/...

PROVISION XXII

Formula A

The objective of conservation measures is to achieve the maximum sustainable yields of fishery resources and thereby to secure and maintain a maximum supply of food and other marine products.

(1) Conservation measures must be adopted on the basis of the best scientific evidence available. If the States concerned cannot reach agreement on the assessment of the conditions of the stock to which conservation measures are to be applied, they shall request an appropriate international body or other impartial third party to undertake the assessment. In order to obtain the fairest possible assessment of the stock conditions, the States concerned shall co-operate in the establishment of regional institutions for surveying and research into fishery resources.

(2) No conservation measures shall discriminate in form or fact between fishermen of one State from those of other States.

(3) Conservation measures shall be determined, to the extent possible, on the basis of the allowable catch estimated with respect to the individual stocks of fish. The foregoing principle, however, shall not preclude conservation measures from being determined on some other bases in cases where, due to lack of sufficient data, an estimate of the allowable catch is not possible with any reasonable degree of accuracy.

(4) No State can be exempted from the obligation to adopt conservation measures on the ground that sufficient scientific findings are lacking.

(5) The conservation measures adopted shall be designed so as to minimize interference with fishing activities relating to stocks of fish, if any, which are not the object of such measures.

(6) Conservation measures and the data on the basis of which such measures are adopted shall be subject to review at appropriate intervals.

Formula B

1. The coastal State shall ensure the conservation of renewable resources within the economic zone.

2. For this purpose, the coastal State shall apply the following principles:

(a) allowable catch and other conservation measures shall be established which are designed, on the best evidence available to the coastal State, to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, taking into account relevant environmental and economic factors, and any generally agreed global and regional minimum standards;

/...

-19-

(b) such measures shall take into account effects on species associated with or dependent upon harvested species and at a minimum, shall be designed to maintain or restore populations of such associated or dependent species above levels at which they may become threatened with extinction;

(c) for this purpose, scientific information, catch and fishing effort statistics, and other relevant data, shall be contributed and exchanged on a regular basis;

(d) conservation measures and their implementation shall not discriminate in form or fact against any fishermen. Conservation measures shall remain in force pending the settlement, in accordance with the provisions of chapter ... of any disagreement as to their validity.

PROVISION XXIII

Formula A

1. Fisheries for anadromous fish shall be conducted only within the exclusive economic zones of coastal States and subject to the terms, conditions and regulations which they may from time to time prescribe.
2. The coastal State in whose waters anadromous fish spawn shall have responsibility for the management of these stocks and for the maintenance of such stocks at their optimum level.
3. When fisheries for anadromous species originating in one State are conducted by other States within their own exclusive fishery zones, such fisheries shall be regulated by agreement between the coastal State (or States) concerned and the State (or States) of origin, taking into account the preferential rights of the State (or States) of origin and its (or their) responsibility for the maintenance of the stocks.

Formula B

1. The conservation and management of anadromous species shall be regulated through arrangements among the States participating in the exploitation of such species and, where appropriate, through regional intergovernmental organizations established for this purpose.
2. The special interest of the coastal State, in whose fresh or estuarine waters anadromous species spawn, shall be taken into account in the arrangements for regulating such species.

Formula C

1. Coastal States in whose rivers anadromous species of fish (salmonidae) spawn shall have sovereign rights over such fish and all other living marine resources within the economic zone and preferential rights outside the zone in the migration area of anadromous fish.

-20-

2. Fishing by foreign fisheries for anadromous species may be carried on by an agreement between the coastal State and another interested State establishing regulatory and other conditions governing fishing by foreign nationals.
3. Priority in obtaining the right to fish for anadromous species shall be given to States participating jointly with the coastal States in measures to renew that species of fish, particularly in expenditure for that purpose, and to States which have traditionally fished for anadromous species in the region concerned.

Formula D

1. Fishing for anadromous species seaward of the territorial sea (both within and beyond the economic zone) is prohibited, except as authorized by the State of origin in accordance with articles ... and ...
2. States through whose internal waters or territorial sea anadromous species migrate shall co-operate with the State of origin in the conservation and utilization of such species.

Formula E

1. The exploitation of anadromous species shall be regulated by agreement among interested States or by international arrangements through the appropriate intergovernmental fisheries organization.
2. All interested States shall have an equal right to participate in such arrangements and organizations. Any arrangement shall take into account the interest of the State of origin and the interests of other coastal States.

PROVISION XXIV

1. Fisheries for catadromous fish shall be conducted only within the fishery /economic/ zones of coastal States and subject to the terms, conditions and regulations that the may prescribe.
2. The coastal State in whose waters catadromous fish spend the greater part of their life cycle (hereinafter called the producing State) shall have the responsibility for the management of these stocks and their maintenance at optimum levels; in particular, the producing State shall ensure the ingress and egress of migrating fish.
3. In circumstances where catadromous fish migrate through the fishery /economic/ zone of another State or States, whether as juvenile or maturing fish, the management of such fisheries, including harvesting, shall be regulated by agreement between the producing State and the other State or States concerned, which agreement shall both ensure the maintenance of the stocks at their optimum levels and take into account the preferential rights of the producing State and its responsibility for the maintenance of such stocks.

PROVISION XXV

Formula A

Fishing for highly migratory species shall be regulated in accordance with the following principles:

A. Management. Fishing for highly migratory species listed in annex A within the economic zone shall be regulated by the coastal State, and beyond the economic zone by the State of nationality of the vessel, in accordance with regulations established by appropriate international or regional fishing organizations pursuant to this article.

(1) All coastal States in the region, and any other State whose flag vessels harvest a species subject to regulation by the organization, shall participate in the organization. If no such organization has been established, such States shall establish one.

(2) Regulations of the organization in accordance with this article shall apply to all vessels fishing the species regardless of their nationality.

B. Conservation. The organization shall, on the basis of the best scientific evidence available, establish allowable catch and other conservation measures in accordance with the principles of article 12.

C. Allocation. Allocation regulations of the organization shall be designed to ensure full utilization of the allowable catch and equitable sharing by member States.

(1) Allocations shall take into account the special interests of the coastal State within whose economic zone highly migratory species are caught, and shall for this purpose apply the following principles within and beyond the economic zone: /insert appropriate principles/.

(2) Allocations shall be designed to minimize adverse economic consequences in a State or region thereof.

D. Fees. The coastal State shall receive reasonable fees for fish caught by foreign vessels in its economic zone, with a view to making an effective contribution to coastal State fisheries management and development programmes. The organization shall establish rules for the collection and payment of such fees, and shall make appropriate arrangements with the coastal State regarding the establishment and application of such rules. In addition, the organization may collect fees on a non-discriminatory basis based on fish caught both within and outside the economic zone for administrative and scientific research purposes.

E. Prevention of Interference. The organization shall establish fishing regulations for highly migratory species in such a way as to prevent unjustifiable interference with other uses of the sea, including coastal State fishing activities, and shall give due consideration to coastal State proposals in this regard.

F. Transition. Pending the establishment of an organization in accordance with this article, the provisions of this article shall be applied temporarily by agreement among the States concerned.

G. Interim Measures. If the organization or States concerned are unable to reach agreement on any of the matters specified in this article, any State party may request, on an urgent basis, pending resolution of the dispute, the establishment of interim measures applying the provisions of this article pursuant to the dispute settlement procedures specified in chapter _____. The immediately preceding agreed regulations shall continue to be observed until interim measures are established.

Formula B

1. Any coastal State in whose economic zone or other waters (archipelagic, territorial and internal waters) highly migratory species are found or taken and any State whose vessels take such species may request the opinion of the Director-General of FAO as to whether proper management of such species requires the setting up of an appropriate international or regional organization. The Director-General of FAO shall respond within 90 days of any such request, rendering his opinion, and if such opinion is positive, designating the members of the organization. In addition the Director-General may recommend the institutional arrangements for the organization. All designated States shall have the obligation to take all action necessary to establish the organization within the shortest possible time.

2. All States shall co-operate fully with an appropriate international or regional organization (being either an organization which exists on the date of entry into force of this article or an organization set up pursuant to this article) established and empowered to issue regulations to conserve and manage the species concerned, including the allocation of national quotas.

3. In the absence of agreement to the contrary decisions of the organizations shall require an affirmative vote of two thirds of its members.

4. The organization in formulating regulations shall take into account the following criteria:

A. The coastal State's right in priority to other States to harvest the regulated species within its economic zone to the extent of its harvesting capacity subject only to conservation measures issued by the organization in order to maintain or restore the regulated species.

-23-

B. The rational utilization of such species within its maximum sustainable yield based on the best available scientific evidence.

C. Traditional harvesting patterns both in the region and in the economic zone, taking into account the desirability of avoiding to the maximum extent possible severe economic dislocations in any State as a result of the application of this article.

D. The criteria applicable to other than highly migratory species, as set out in article ...

5. A. The organization shall fix a uniform fee for fish caught whether inside or outside an economic zone, provided that a coastal State shall be exempt from such fee in respect of fish caught by its vessels in its economic zone or other waters.

B. The uniform fee shall be fixed at a reasonable level, with a view to providing for:

(1) The organization's administrative expenses.

(2) Effective contribution to management and development programmes for the species concerned.

(3) Enforcement.

(4) Scientific research.

C. The coastal State shall receive the uniform fee paid in respect of fish caught by foreign vessels within its economic zone.

D. The organization shall establish rules for the collection and payment of the uniform fee, and shall make appropriate arrangements with the coastal State regarding the establishment and application of such rules.

E. The organization may require a member to make a minimum contribution to its budget, taking into account fees received by the organization in respect of fishing by the member's nationals.

6. Each State shall give effect to the regulations issued by the organization:

A. Within its economic zone or other waters it shall apply those regulations to all persons and vessels.

B. Outside its economic zone it shall apply those regulations to vessels flying its flag.

/...

PROVISION XXVI

Notwithstanding the provisions of this chapter with respect to full utilization of living resources, nothing herein shall prevent a coastal State or international organization, as appropriate, from prohibiting the exploitation of marine mammals.

PROVISION XXVII

Formula A

1. The coastal State may itself exercise control over the observance of the fishing regulatory measures initiated by it under article ...

2. In cases where the competent authorities of the coastal State have sufficient reasons for believing that a foreign vessel engaged in fishing is violating these measures, they may stop the vessel and inspect it, and also draw up a statement of the violations. The consideration of cases which may arise in connexion with violations of the said measures by a foreign vessel, as well as the punishment of members of the crew guilty of such violations, shall be effected by the flag State of the vessel which has committed the violation. Such State shall notify the coastal State of the results of the investigation and of measures taken by it.

Formula B

1. The coastal State may, in the exercise of its rights under this chapter with respect to the renewable natural resources, take such measures, including inspection and arrest, in the economic zone, and, in the case of anadromous species, seaward of the economic zones of the host State and other States, as may be necessary to ensure compliance with its laws and regulations, provided that when the State of nationality of a vessel has effective procedures for the punishment of vessels fishing in violation of such laws and regulations, such vessels shall be delivered promptly to duly authorized officials of the State of nationality of the vessel for legal proceedings, and may be prohibited by the coastal State from any fishing in the zone pending disposition of the case. The State of nationality shall within six months after such delivery notify the coastal State of the disposition of the case.

Formula C

The jurisdiction and control over all fishing activities within the exclusive economic zone shall lie with the coastal State concerned.

2. Regulations adopted by international organizations in accordance with article ... shall be enforced as follows:

(a) Each State member of the organization shall make it an offence for its flag vessels to violate such regulations, and shall co-operate with other States in order to ensure compliance with such regulations.

/...

(b) The coastal State may inspect and arrest foreign vessels in the economic zone for violating such regulations. The organization shall establish procedures for arrest and inspection by coastal and other States for violations of such regulations beyond the economic zone.

(c) An arrested vessel of a State member of the organization shall be promptly delivered to the duly authorized officials of the flag State for legal proceedings if requested by that State.

(d) The State of nationality of the vessel shall notify the organization and the arresting State of the disposition of the case within six months.

3. Arrested vessels and their crew shall be entitled to release upon the posting of reasonable bond or other security. Imprisonment or other forms of corporal punishment in respect of conviction for fishing violations may be imposed only by the State of nationality of the vessel or individual concerned.

6.7 Sea-bed within national jurisdiction

PROVISION XXVIII

1. The coastal State shall comply with legal arrangements which it has entered into with other contracting States, their instrumentalities, or their nationals in respect to the exploration or exploitation of non-renewable natural resources; shall not take property of such States, instrumentalities or nationals except for a public purpose on a non-discriminatory basis and with adequate provision at the time of taking for prompt payment of just compensation in an effectively realizable form; and

2. The coastal State shall pay, in respect of the exploitation of such non-renewable resources seaward of the territorial sea or the 200-metre isobath, whichever is further seaward (insert formula), to be used, as specified in article ..., for international community purposes, particularly for the benefit of developing countries.

6.7.1 Nature and characteristics

6.7.2 Delineation between adjacent and opposite States

PROVISION XXIX

Formula A

The delineation of the economic zone between adjacent and opposite States shall be carried out in accordance with international law.

Formula B

1. Where the coasts of two or more States are adjacent or opposite to each other and the distance between them is less than double the uniform breadth, provided in this Convention, the delimitation of their economic zone, and of their sea-bed areas shall be determined by agreement among themselves.

/...

2. Failing such agreement, no State is entitled to extend its rights over an economic zone and sea-bed area beyond the limits of the median line every point of which is equidistant from the nearest points of the baselines, ... from which the breadth of the above area of each of the two States is measured.

Formula C

1. Where the coasts of two or more States are adjacent or opposite to each other the delimitation of the respective economic zone shall be determined by agreement among them in accordance with equitable principles taking into account all the relevant factors including inter alia, the geomorphological and geological structure of the sea-bed area involved, and special circumstances....

2. The States shall make use of the methods envisaged in Article 33 of the Charter of the United Nations, as well as those established under international agreements to which they are parties, or other peaceful means open to them in case any of the parties refuses to enter into or continue negotiations or in order to resolve divergences which may arise during such negotiations.

3. The States may decide to apply any one or a combination of methods and principles appropriate for arriving at an equitable delimitation based on agreement.

Formula D

1. The delimitation of the continental shelf or the exclusive economic zone between adjacent and/or opposite States must be done by agreement between them, in accordance with an equitable dividing line, the median or equidistance line not being necessarily the only method of delimitation.

2. For this purpose, special account should be taken of geological and geomorphological criteria, as well as of all the special circumstances....

PROVISION XXX

Nothing provided herein shall prejudice the existing agreements between the coastal States concerned relating to the delimitation of the boundary of their respective coastal sea-bed area.

6.7.3 Sovereign rights over natural resources

PROVISION XXXI

The coastal State exercises over the sea-bed and subsoil of the submarine area adjacent to the coast but outside the area of the territorial sea, hereinafter referred to as the coastal sea-bed area, sovereign rights for the purpose of exploring it and exploiting its mineral resources.

-27-

6.7.4 Limits

PROVISION XXXII

The coastal States shall have the right to establish the coastal sea-bed area up to a maximum distance of 200 nautical miles from the baseline for measuring the breadth of the territorial sea set out in ...

6.8 Prevention and control of pollution and other hazards to the marine environment

PROVISION XXXIII

Formula A

A coastal State shall [also] have jurisdiction to enforce in the maritime area adjacent to its territorial sea such measures as it may enact in order to prevent, mitigate or eliminate pollution damage and risks and other effects harmful or dangerous to the ecosystem of the marine environment, the quality and use of water, living resources, human health and the recreation of its people, taking into account co-operation with other States and in accordance with internationally agreed principles and standards.

Formula B

The coastal State shall exercise its rights and obligations in the economic zone in accordance with the provisions of the present Convention, with due regard to other legitimate uses of the high seas and bearing in mind the need for a national exploitation of the natural resources of the sea and the preservation of the sea environment.

Formula C

In exercising its rights with respect to installations and sea-bed activities in the economic zone, the coastal State may establish standards and requirements for the protection of the marine environment additional to or more stringent than those required by applicable international standards.

PROVISION XXXIV

In exercising its rights with respect to installations and sea-bed activities, the coastal State shall take all appropriate measures in the economic zone for the protection of the marine environment from pollution, and ensure compliance with international minimum standards for this purpose established in accordance with the provisions of chapter _____ (pollution).

PROVISION XXXV

1. Every State undertakes to make the discharge of pollutants into the sea an offence punishable by adequate penalties.

-PR-

2. Every State undertakes to make suitable provisions for the admission by its courts of law of documentary evidence, submitted by competent authorities of another State, concerning the commission by ships operating under its flag of an offence in respect of discharge of pollutants into the sea.

6.9 Scientific research

PROVISION XXXVI

Formula A

It is also for the coastal State to authorize such scientific research activities as are carried on in the Area; it is entitled to participate in them and to receive the results obtained. In such regulations as the coastal State may issue on the matter, the desirability of promoting and facilitating such activities shall be taken especially into account.

Formula B

Within the limits of the economic zone each State may freely carry out fundamental scientific research unrelated to the exploration and exploitation of the living or mineral resources of the zone. Scientific research in the economic zone related to the living and mineral resources shall be carried out with the consent of the coastal State.
